?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 08.05.2019
*CORAM
THE HON-BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON-BLE MR.JUSTICE M.DHANDAPANI

+W.P.(MD)No.11744 of 2019
and
W.M.P.(MD)No.8898 of 2019

#P.Krishnan
... Petitioner

Vs

$1.The Commissioner,
Sankarankoil Municipality,
Sankarankoil, Tirunelveli District.

2.The Tahsildar,
Sankarankoil Taluk,
Tirunelveli District.
3.G.Rajinikanth
4.Thangaraj ... Respondents
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the order in Na.Ka.No.1419 / 2019 / F1, dated 22.04.2019, on the file of the first respondent and quash the same.

!For Petitioner : Mr.K.Prabhu
^For Respondent~1 : Mr.P.Mahendran
For Respondent~2 : Mr.A.Muthukaruppan
Additional Government Pleader
***
:ORDER

(Order of the Court was made by G.R.SWAMINATHAN., J.)
The writ petitioner questions the impugned order passed by the 1st respondent/Sankarankoil Municipality, whereby, the petitioner has been directed to remove the encroachments said to have been made by him on the street in question.

2. The petitioner questioned the said order principally on two grounds. Eventhough the impugned order refers to an order in a writ petition, the said writ petition is still pending and no order has been passed. Secondly, the writ petitioner was not issued with any notice. Be that as it may, the writ petition can be disposed of by directing the first respondent to undertake a survey of the subject street.

3. The first respondent is directed to appoint the Taluk Surveyor to survey and measure the street in question. This shall be done, after due notice to the writ petitioner and the writ petitioner will participate in the survey. The Surveyor shall issue notice not only to the writ petitioner, but also to the other persons, who are said to have encroached the street. All the noticees are directed to participate in the said survey without dragging on the matter. If it is found at the end of survey excercise that the writ petitioner and others have encroached the street portion, the first respondent shall take action for removal of the same. It is made clear that the encroachers will not receive further notices.

4. The Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

To

1.The Commissioner,
Sankarankoil Municipality,
Sankarankoil,
Tirunelveli District.

2.The Tahsildar,
Sankarankoil Taluk,
Tirunelveli District.